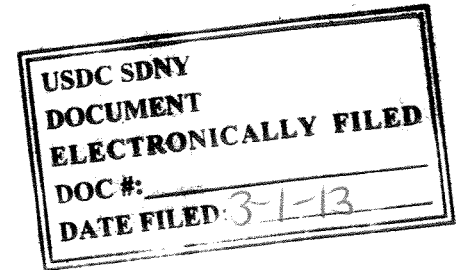


Michael B. Kinard

10 Lee Road 487
Opelika, AL 36804
(334) 538-3905

February 15, 2013

United States District Court for the Southern District of New York
500 Pearl Street
New York, New York 10007-1312



In Re: Nissan Radiator/Transmission Cooler Litigation, Case No. 10-cv-07493

Docket in case #

To Whom It May Concern:

As:

Date:

objection to settlement
3/1/13

This letter serves as my objection to the proposed settlement terms. I am the current owner of a 2006 Nissan Pathfinder, VIN # - 5N1AR18U36C632355. Its current odometer mileage is 78,800 miles as of this date. I have not experienced nor obtained repairs to my vehicle due to the problems pursuant to this litigation.

The proposed settlement terms are a sham and would give Nissan a way out of its responsibility to fully stand behind their vehicles and correct problems as a result of a malfunction of the faulty transmission cooler that is the subject of this litigation. Contrary to Nissan's assertions, this problem has affected a large number of owners of 2005-2010 Pathfinder, Xterra, and Frontiers. A quick search via Google will provide thousands of consumer complaints about this issue. It has received such a large amount of complaints that the National Highway Traffic Safety Administration (NHTSA) has opened an investigation into this problem (Case # - DP12004) as a safety hazard and could likely result in a recall campaign when all is said and done.

The NHTSA investigation is warranted because this is, without question, a safety issue. Many of the affected vehicles have experienced sudden and immediate failure on interstates and busy intersections, drastically increasing the chances of a fatal accident for not only the Nissan owner, but others who are around those vehicles when they experience failure. This makes Nissan's blatant denial of this problem and refusal to proactively fix the affected vehicles all the more serious, and the Court should not let Nissan get away with it.

In conclusion, I am asking the Court to refuse this and any proposed settlement that does not call for a full recall campaign on all affected models and full reimbursement to the owners that have already experienced the problems involved in this litigation - without customer co-pays - regardless of the age and mileage of the vehicle. At the very least, the Court should hold off on ruling on this case until the NHTSA investigation has been completed.

Sincerely,

A handwritten signature in cursive script that reads "Michael B. Kinard".

Michael Kinard

Enclosure

CC: Gary S. Graifman, Class Co-Counsel
E. Paul Cauley, Jr., Counsel for Nissan



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Report Date : February 15, 2013 at 12:22 PM

NHTSA Action Number : DP12004

NHTSA Action Number : DP12004

NHTSA Recall Campaign Number : N/A

Vehicle Make / Model:

NISSAN / FRONTIER

NISSAN / PATHFINDER

NISSAN / XTERRA

Model Year(s):

2005-2010

2005-2010

2005-2010

Manufacturer(s) :

Nissan North America, Inc.

Component(s) :

POWER TRAIN

POWER TRAIN:AUTOMATIC TRANSMISSION

POWER TRAIN:AUTOMATIC TRANSMISSION:CONTROL MODULE (TCM, PCM)

POWER TRAIN:AUTOMATIC TRANSMISSION:COOLING UNIT AND LINES

POWER TRAIN:AUTOMATIC TRANSMISSION:TORQUE CONVERTER

Date Investigation Opened : June 11, 2012

Date Investigation Closed : Open

Summary:

ODI received a petition requesting investigation of transmission damage attributed to contamination by engine coolant. The source of the contamination runs through an engine coolant chamber in the radiator. ODI has received (512) five-hundred-twelve consumer complaints between August 2005 transmission problems. A copy of the petition will be placed in the public file. ODI will review its content and related field data to assess whether a safe warranted. Referenced VOQs are listed on a separate page.

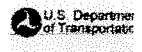
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